

Hutson, Richard

From: RLBrowdy@browdyneimark.com
Sent: Monday, July 15, 2002 2:50 PM
To: Richard.hutson@uspto.gov
Subject: USSN 09/117,380; My reference FRIDKIN=1



ProposedIndClaims2.d

cc

Dear Mr. Hutson:

Attached hereto are two alternative ways to get around Barr. One is claims 25-31 which are similar to existing claim 15 (but correcting the error you noted in the latest office action). The alternative claim 25 combines all of 25-31 with a single proviso. I believe that this single combined proviso should be acceptable for the same reason that each individual proviso is acceptable.

The (C) clause of each claim has language which reverts to the language which appeared at the time of our responses of December 12, 2000, and July 27, 2001. In your Office Action of August 21, 2001, you withdrew your previous objection to this language in light of the arguments in our July 27 response. We subsequently changed this language in an attempt to get around Barr. As we are now getting around Barr with the provisos, we no longer need the protein language for (C) and can go back to the original disclaimer of CRP. Hopefully, now the only remaining issue will be the propriety of the proviso of proposed alternative claim 25 and whether this avoids the rejection over Barr.

Thank you for reviewing this new proposed set of claims.

Please treat this message and the informal consideration of the attached set of claims as a continuation of our telephone interview and provide an appropriate interview summary sheet for the record, to which you may attach a copy of this message.

Roger L. Browdy